

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2005-1-E - ORDER NO. 2006-361
JUNE 12, 2006

IN RE: Annual Review of Base Rates for Fuel Costs of Carolina Power and Light Company DBA Progress Energy Carolinas, Incorporated) ORDER GRANTING) JOINT MOTION AND) DECLARING FUEL) STUDY TO BE) CONFIDENTIAL
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This matter comes before the Public Service Commission of South Carolina (the Commission) on the Joint Motion of the Office of Regulatory Staff (ORS) and Carolina Power & Light Company d/b/a Progress Energy Carolinas, Inc (PEC) seeking an Order (i) declaring the unredacted Fuel Study accompanying the Joint Motion as confidential; (ii) affording the unredacted Fuel Study confidential treatment; and (iii) protecting the unredacted Fuel Study from public disclosure.

The Joint Motion notes that the unredacted fuel study that is the subject of the Joint Motion has been prepared by ORS and contains the results of the review and study of the fuel purchase methods of PEC with respect to Docket No. 2005-1-E. This study was conducted by ORS as a result of the increased cost of fuel and not because of any findings based on the ORS staff's audits of PEC's present purchasing practices. As part of its study, ORS requested information deemed confidential by PEC as it pertains to certain information regarding PEC's operations. Specifically, PEC designated information confidential based upon its belief that the information covers non-public

proprietary, commercially valuable and/or competitively sensitive information, and/or trade secrets of PEC. PEC believes it is not appropriate to make detailed confidential information regarding its operations publicly available and further asserts that access to this confidential information could give actual and potential competitors an unfair competitive advantage. The Joint Motion points out that PEC's concern is recognized in the South Carolina Freedom of Information Act which allows exemption from disclosure proprietary business information which constitutes a trade secret. *See* S.C. Code Ann. Section 30-4-40(a) (1) (Supp. 2005).

ORS does not oppose the confidential designation by PEC. A confidentiality agreement was duly executed between PEC and ORS in Docket No. 2005-1-E, whereupon ORS received the confidential information from PEC to complete its Fuel Study.

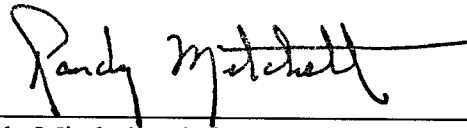
We have examined this matter, and hold that the Joint Motion should be granted. Clearly, access to the information described could give actual and potential competitors an unfair competitive advantage. We agree that S.C. Code Ann. Section 30-4-40(a) (1) (Supp. 2005) applies. Accordingly, we grant the Joint Motion and declare: (i) the unredacted Fuel Study accompanying the Joint Motion is confidential; (ii) the unredacted Fuel Study shall be afforded confidential treatment; and (iii) the unredacted Fuel Study

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shall be protected from public disclosure. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

A handwritten signature in black ink, appearing to read "Randy Mitchell", written over a horizontal line.

Randy Mitchell, Chairman

ATTEST:

A handwritten signature in black ink, appearing to read "G. O'Neal Hamilton", written over a horizontal line.

G. O'Neal Hamilton, Vice-Chairman

(SEAL)